



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE
CARLSBAD ENERGY CENTER PROJECT**

DOCKET No. 07-AFC-06

COMMITTEE RULING ON POWER OF VISION'S REQUEST TO EXTEND THE RPMPD COMMENT DEADLINE

The Carlsbad AFC Committee issues the following ruling on Intervenor Power of Vision's (POV) "Request for Deadline Extension of RPMPD [Revised Presiding Member's Proposed Decision] Comments" dated April 23, 2012. We do so without the benefit of responses from the other parties because, with an April 27 comment deadline, time is of the essence.

POV refers to "the complexity of the Carlsbad Energy Center Project proceedings, and the nature of the recent Revised Presiding Member's [Proposed] Decision and subsequent hearing" in making its request for an additional five business days in which to prepare comments on the RPMPD. Intervener Rob Simpson, in joining in POV's request, refers only to his need to review the "minutes" (transcript) of our April 19, 2012, Committee Conference conducted to receive public and party comments.

Earlier this week, several parties asked when the April 19 transcript would be available and implied that they needed to review the comments made during the Committee Conference before completing their own comments. An audio recording was posted on the Commission web site and the parties informed thereof on late Monday afternoon. The transcript was received from the transcriber and posted yesterday (Wednesday, April 25).

Committee Comment Conferences are not required by the Commission's regulations; it would be legally sufficient to take all comments in writing. Nonetheless, Committees generally hold a Comment Conference near the end of the comment period to allow the public to offer oral comments in lieu of reducing them to writing. Another purpose is to provide a forum for the parties and Committee to discuss any proposed changes to the

conditions of certification and other matters that would benefit from face to face discussion.

As the Hearing Officer pointed out in announcing the availability of the audio recording, it is not the usual case that a transcript of a Committee Conference will be available before a comment period ends. Nor is it our expectation that the parties have the benefit of a record of the Conference as part of their preparation. Comments should focus on the contents of the proposed decision, not on the comments of the other parties. All parties make their comments on the same schedule; no rebuttal period is required or intended. To the extent that the timing in this case allows responses to other comments, the parties may do so. They must, however, do so within the existing time limits.

We do not find the RPMPD to be so complex as to require additional time for comment. For the Revised PMPD, we allowed the same 30-day comment period that is required for an original PMPD. Much of the RPMPD is essentially the same as the PMPD published, commented upon, and publicly debated nearly a year ago. The portions that are new or substantially revised, relate to the newly recognized significant impacts and LORS inconsistencies, were urged upon us by the parties opposed to the project. The parties have been debating the evidence and conclusions to be drawn from the evidence since before the December, 2011, evidentiary hearings, in their post-hearing briefs, and now in their preliminary comments. This case has afforded abundant opportunity to present evidence, argument and legal authority.

Accordingly, the request for additional time to comment is **DENIED**. The deadline for public comment shall remain at 4:30 p.m. on April 27, 2012 as described in the Notice of Availability of the Revised Presiding Member's Proposed Decision and Notice of Committee Conference and Notice of Full Energy Commission Hearing, dated March 28, 2012 (available at www.energy.ca.gov/sitingcases/carlsbad/notices/index.html).

Dated April 26, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner
Carlsbad AFC Committee



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**APPLICATION FOR CERTIFICATION
FOR THE CARLSBAD ENERGY
CENTER PROJECT**

**Docket No. 07-AFC-06
PROOF OF SERVICE
(Revised 3/27/2012)**

APPLICANT

Jennifer Hein
George Piantka, PE.
NRG Energy, Inc., West Region
5790 Fleet Street, Ste. 200
Carlsbad, CA 92008
jennifer.hein@nrgenergy.com
george.piantka@nrgenergy.com

APPLICANT'S CONSULTANTS

Robert Mason, Project Manager
CH2M Hill, Inc.
6 Hutton Centre Drive, Ste. 700
Santa Ana, CA 92707
Robert.Mason@ch2m.com

Megan Sebra
CH2M Hill, Inc.
2485 Natomas Park Drive, Ste. 600
Sacramento, CA 95833
Megan.Sebra@ch2m.com

COUNSEL FOR APPLICANT

John A. McKinsey
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
jamckinsey@stoel.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

Terramar Association
Kerry Siekmann & Catherine Miller
5239 El Arbol
Carlsbad, CA 92008
siekmann1@att.net

City of Carlsbad
South Carlsbad Coastal
Redevelopment Agency
Allan J. Thompson
21 "C" Orinda Way #314
Orinda, CA 94563

allanori@comcast.net

City of Carlsbad
South Carlsbad Coastal
Redevelopment Agency
Joseph Garuba,
Municipals Project Manager
Ronald R. Ball, Esq., City Attorney
1200 Carlsbad Village Drive
Carlsbad, CA 92008
Joe.Garuba@carlsbadca.gov
ron.ball@carlsbadca.gov

California Unions for Reliable Energy
(CURE)
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com

Center for Biological Diversity
c/o William B. Rostov
EARTH JUSTICE
426 17th Street, 5th Floor
Oakland, CA 94612
wrostov@earthjustice.org

Power of Vision
Julie Baker & Arnold Roe, Ph.D.
4213 Sunnyhill Drive
Carlsbad, California 92013
julbaker@pacbell.net
roe@ucla.edu

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

April Rose Sommer
Attorney for Rob Simpson
P.O. Box 6937
Moraga, CA 94570
aprilsommerlaw@yahoo.com

**ENERGY COMMISSION –
DECISIONMAKERS**

KAREN DOUGLAS
Commissioner and Associate Member
kldougla@energy.state.ca.us

Galen Lemei
Adviser to Commissioner Douglas
glemei@energy.state.ca.us

Tim Olson
Adviser to Commissioner Douglas
tolson@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

ENERGY COMMISSION STAFF

Mike Monasmith
Siting Project Manager
mmonasmi@energy.state.ca.us

Dick Ratliff
Staff Counsel
dratliff@energy.state.ca.us

**ENERGY COMMISSION – PUBLIC
ADVISER**

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on April 26, I served and filed a copy of the attached COMMITTEE RULING ON POWER OF VISION'S REQUEST TO EXTEND THE RPMPD COMMENT DEADLINE, dated April 26, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [\[www.energy.ca.gov/sitingcases/carlsbad/index.html\]](http://www.energy.ca.gov/sitingcases/carlsbad/index.html).

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- X Served electronically to all e-mail addresses on the Proof of Service list;
- X Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses marked "hard copy required."

AND

For filing with the Docket Unit at the Energy Commission:

- X by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT

Attn: Docket No. 07-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed By:

Maggie Read
Hearing Adviser's Office